

AMENDED IN SENATE MAY 11, 2011
AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 600

Introduced by Senator Rubio

February 17, 2011

An act to amend Section 20111.5 of, and to add Section 20111.6 to, the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 600, as amended, Rubio. Public contracts: school districts: bidding requirements.

Under existing law, the governing board of a school district may require each prospective bidder for specified contracts to submit a standardized questionnaire and financial statement, including information relating to financial ability and experience in performing public works, which is required to be verified under oath. Existing law further requires a school district requiring the above information to adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements, as specified.

This bill would require the questionnaire and uniform system of rating bidders described above to contain, at a minimum, substantially similar information, questions, and requirements as that of the standardized questionnaire and model guidelines for rating bidders developed by the Department of Industrial Relations, as specified. This bill would provide that the questionnaire and uniform system of rating bidders described above shall not preclude the governing board of the district from prequalifying or disqualifying a subcontractor. *This bill would provide that these provisions shall not apply to school districts with an average daily attendance of less than 2,500.*

This bill would also require the governing board of the district, *except for school districts with an average daily attendance of less than 2,500*, for certain public projects, if the governing board of the district chooses not to follow the uniform system of rating bidders described above, to use other procedures, which require a standardized questionnaire and financial statement to be verified under oath, for bidding applicable to public entities, as prescribed. By expanding the scope of an existing crime and by imposing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20111.5 of the Public Contract Code is
2 amended to read:
3 20111.5. (a) The governing board of the district may require
4 that each prospective bidder for a contract, as described under
5 Section 20111, complete and submit to the district a standardized
6 questionnaire and financial statement in a form specified by the
7 district, including a complete statement of the prospective bidder's
8 financial ability and experience in performing public works. The
9 questionnaire and financial statement shall be verified under oath
10 by the bidder in the manner in which civil pleadings in civil actions
11 are verified. The questionnaires and financial statements shall not
12 be public records and shall not be open to public inspection.
13 (b) Any school district requiring prospective bidders to complete
14 and submit questionnaires and financial statements, as described
15 in subdivision (a), shall adopt and apply a uniform system of rating
16 bidders on the basis of the completed questionnaires and financial

1 statements, in order to determine the size of the contracts upon
2 which each bidder shall be deemed qualified to bid.

3 (c) The questionnaire described in subdivision (a), and the
4 uniform system of rating bidders described in subdivision (b), shall
5 contain, at a minimum, substantially similar information, questions,
6 and requirements as that of the standardized questionnaire and
7 model guidelines for rating bidders developed by the Department
8 of Industrial Relations pursuant to subdivision (a) of Section 20101.

9 (d) Each prospective bidder on any contract described under
10 Section 20111 shall be furnished by the school district letting the
11 contract with a standardized proposal form that, when completed
12 and executed, shall be submitted as his or her bid. Bids not
13 presented on the forms so furnished shall be disregarded.

14 (e) A proposal form required pursuant to subdivision (d) shall
15 not be accepted from any person or other entity that is required to
16 submit a completed questionnaire and financial statement for
17 prequalification pursuant to subdivision (a), but has not done so
18 at least five days prior to the date fixed for the public opening of
19 sealed bids or has not been prequalified, pursuant to subdivision
20 (b), for at least one day prior to that date.

21 (f) Notwithstanding subdivision (e), any school district may
22 establish a process for prequalifying prospective bidders pursuant
23 to this section on a quarterly basis and may authorize that
24 prequalification to be considered valid for up to one calendar year
25 following the date of initial prequalification.

26 (g) Nothing in this section shall preclude the governing board
27 of the district from prequalifying or disqualifying a subcontractor.
28 The disqualification of a subcontractor by the governing board of
29 the district does not disqualify an otherwise prequalified contractor.

30 (h) *The amendments made by the act adding this subdivision*
31 *shall not apply to a school district with an average daily attendance*
32 *of less than 2,500.*

33 SEC. 2. Section 20111.6 is added to the Public Contract Code,
34 to read:

35 20111.6. (a) This section shall apply only to public projects,
36 as defined in subdivision (c) of Section 22002, for which the
37 governing board of the district uses funds received pursuant to the
38 Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5
39 (commencing with Section 17070.10) of Part 10 of Division 1 of
40 Title 1 of the Education Code) for a public project.

1 (b) If the governing board of the district does not utilize the
2 procedures set forth in Section 20111.5 for a contract meeting the
3 criteria of subdivision (a), then the governing board of the district
4 shall use the procedures for qualification of bidders set forth in
5 Section 20101.

6 (c) For purposes of this section, bidders shall include all
7 subcontractors required to be listed in a bid pursuant to Section
8 4104.

9 (d) *This section shall not apply to a school district with an*
10 *average daily attendance of less than 2,500.*

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.